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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,381	05/25/2006	Shmuel Orenbuch	3137.00011	5140

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EXAMINER
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STABLEY, MICHAEL R

ART UNIT	PAPER NUMBER
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3611

MAIL DATE	DELIVERY MODE
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09/15/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/520,381	<b>Applicant(s)</b> ORENBUCH, SHMUEL	
	<b>Examiner</b> Michael R. Stabley	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9-15,17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9-15,17 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/4/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/7/09 has been entered.

### ***Election/Restrictions***

2. Applicant's election without traverse of Species III in the reply filed on 6/23/10 is acknowledged. The Examiner notes that the response to the restriction requirement was not proper since it did not specifically point out what claims read on the elected species. Currently all claims read on the elected species.

3. Applicant's election of Species III in the reply filed on 6/23/10 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-3, 7, 9-13, 17, 19, 20, and 23 rejected under 35 U.S.C. 102(b) as being anticipated by Yamada (JP 62203824).

In re claims 1-3, Yamada discloses an omnidirectional mobility device wherein said device comprises a active drive spherical means (3) for actively enabling omnidirectional movement and active drive means (5) directly engaging said spherical means providing frictional engagement to drive said spherical means, wherein said spherical means is a globe (3), wherein said globe is formed of a material selected from the group consisting essentially of synthetic material, metal, stainless steel, rubber, plastic, glass, ceramics, and combinations thereof as shown in Figure 2.

In re claims 7, 9, and 10, Yamada further discloses wherein said device further includes a steering mechanism (13), further including a motor (8) for actuating said drive mechanism, wherein said motor includes reduction gears.

In re claims 11-13, 17, and 19, Yamada further discloses an omnidirectional vehicle as shown in Figure 3 comprising a body (1) and at least one omnidirectional mobility device (3) as set forth in claim 1, wherein said spherical means is a globe, wherein said globe is formed of a material selected from the group consisting essentially, of synthetic material, metal, stainless steel, rubber, plastic, glass, ceramics, and combinations thereof; said device further including a steering mechanism; further including a motor (8) for operating said drive mechanism.

In re claim 20, Yamada discloses the omnidirectional vehicle according to claim 11 selected from the group consisting essentially of motor operated vehicles, bicycles,

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wheelchairs, recreational vehicles, forklifts, electrical transportation units, automobiles, carts, wheelchairs, chairs, and trailers as shown in Figure 3.

In re claim 23, Yamada further discloses an automobile (1) comprising a body and at least one omnidirectional mobility device as set forth in claim 1 and shown in Figure 3.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5, 14, and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada.

In re claims 4, 5, 14, and 15, Yamada discloses the device/vehicle of claims 2 and 12, but does not specifically disclose wherein the globe includes a coating formed of a resin. Since the globe is essentially a large bearing structure it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the globe of Yamada to include a resin coating similar to that of a bearing.

8. Claim 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Yagi (JP 2001354156).

In re claim 21, Yamada discloses the omnidirectional device of claim 1 to increase vehicle stability, but does not specifically disclose its use on wheelchair. Yagi, however, does disclose the use of an omnidirectional wheel on a wheelchair (31), to

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improve stability. It would have been obvious to one of ordinary skill in the art to modify the omnidirectional wheelchair of Yagi such that it comprised the omnidirectional wheel of Yamada to further increase stability.

9. Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Harris (U.S. 6,340,065).

In re claim 22, Yamada discloses the omnidirectional device of claim 1 to increase vehicle stability, but does not specifically disclose its use on a forklift. Harris, however, does disclose the use of an omnidirectional wheel on a forklift to reduce vibration. It would have been obvious to one of ordinary skill in the art to modify the omnidirectional forklift of Harris such that it comprised the omnidirectional wheel of Yagi to further reduce vibrations in order to further increase stability.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-5, 7, 9-15, 17, and 19-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Stabley whose telephone number is 571-270-3249. The examiner can normally be reached on M-F 7:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Stabley/  
Examiner, Art Unit 3611

/LESLEY D MORRIS/  
Supervisory Patent Examiner, Art Unit 3611